



attorney-client privilege and work product doctrine. With respect to the latter, the warrant seemingly authorizes the government to seize and search for communications between and involving Mr. Cothren and Michael Donaldson, a private investigator who was briefly – until his termination – a part of Mr. Cothren’s defense team. With respect to the former, Mr. Cothren has more than three years’ worth of privileged and confidential attorney client communications and work product stored on his phone. Second, the search warrant also seemingly allows the government to review the contents of Mr. Cothren’s phone and search for evidence related to Mr. Cothren’s pending criminal case without requiring the government to demonstrate probable cause for obtaining this evidence. (See Ex. 2, ¶ 3). Lastly, the existence and sheer volume of privileged materials and work product on Mr. Cothren’s phone weigh heavily against allowing the government to use a taint team to review these highly sensitive and confidential files and in favor of this Court entering an emergency order prohibiting the government (including any taint team) from processing and/or reviewing any materials seized from Mr. Cothren’s phone pending a hearing.

Because the search warrant violates the Fourth Amendment (as well as Mr. Cothren’s attorney-client and work product privileges), Mr. Cothren is asking this Court to quash the warrant and enter an interim protective order prohibiting the government from processing and/or reviewing any of the materials on his phone pending a hearing.

Mr. Cothren is contemporaneously filing a Memorandum of Law in Support of his Motion and supporting exhibits.

Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing motion was electronically filed with the Clerk on February 2, 2024, and service was made upon all persons registered in that case via CM/ECF and/or by email.

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